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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11 EVRAZ INC. NA,) Case No. C11-03624 EDL
12 Plaintiff,) **[PROPOSED] STIPULATED ORDER**
13 vs.) **COMPELLING ATTENDANCE OF**
14 REMEDY INTELLIGENT STAFFING,) **DEFENDANTS SELECT PERSONNEL**
INC., dba REMEDY PERSONNEL) **SERVICES, INC. AND REMEDY**
15 SERVICES, and SELECT PERSONNEL) **INTELLIGENT STAFFING, INC. AT**
SERVICES, INC., dba SELECT) **DEPOSITION**
16 STAFFING,)
17 Defendants.)
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19 On April 2, 2012, Plaintiff Evraz Inc. NA (“Evraz”) noticed the deposition of Defendant
20 Remedy Intelligent Staffing, Inc. (“Remedy”) for April 24, 2012 at 10:00 a.m. On April 9, 2012,
21 Evraz noticed the deposition of Defendant Select Personnel Services, Inc. (“Select”) for April 24,
22 2012 at 1:00 p.m. (Remedy and Select are collectively referred to as “Defendants”.) Thereafter,
23 at Defendants’ counsel’s request, the date of both depositions was changed to May 2, 2012.
24 Evraz timely served amended deposition notices on April 19, 2012. Despite Defendants’
25 agreement to the date for the depositions, Defendants failed to appear. Instead, on May 1, 2012,
26 at 4:16 p.m., Defendants’ counsel sent Evraz’s counsel an email advising: “Fred Pachon [the
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1 30(b)(6) designee of both Defendants] notified me this afternoon that he will not be able to attend
2 tomorrow's depositions."

3 This, of course, is not the first time that Defendants have violated their discovery
4 obligations in this case. Remedy failed completely to respond to Evraz's written discovery
5 within the time required by the Federal Rules, necessitating a motion to compel by Evraz.
6 (Docket No. 23.) The Court ordered Remedy to reimburse Evraz \$5,337.50 (its cost to bring the
7 motion) and provide responses no later than April 20, 2012. (*Id.* at 2) Evraz also served written
8 discovery on Select on February 27, 2012. Under the Rules, Select's responses were due on
9 April 2, 2012. Select did not serve responses until April 20, 2012.

10 Accordingly, the parties now stipulate and request that the Court Order as follows:

- 11 1. On May 23, 2012, at 10:00 a.m. and continuing from date to day thereafter,
12 Defendants shall appear for deposition at Evraz's counsel's office, located at
13 100 Pringle Avenue, Suite 500, Walnut Creek, California, pursuant to the
14 notices served by Evraz on May 4, 2012.
- 15 2. Defendants acknowledge that if they do not appear for deposition pursuant to
16 this Order, or commit any further discovery violation, the Court may impose
17 all appropriate sanctions, including without limitation evidentiary sanctions or
18 entry of default judgment against Defendants under Federal Rule of Civil
19 Procedure 37(b)(2)(A).

20 SO STIPULATED

21 Dated: May ___, 2012

GLYNN & FINLEY, LLP
ADAM FRIEDENBERG

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24 By 
Attorneys for Plaintiff
Evraz Inc. NA

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27 Dated: May 7, 2012

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A. MARCUS HALL & ASSOCIATES
ALVIN M. HALL

8 By _____
9 Attorneys for Defendants
10 Remedy Intelligent Staffing, Inc., dba
11 Remedy Personnel Services, and
12 Select Personnel Services, Inc., dba
13 Select Staffing
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IT IS SO ORDERED

Dated: May 9 , 2012

